



13281 U.S. PTO

112003

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22386 U.S. PTO  
10/716609



112003

Date: November 20, 2003

Docket No.: 4450-0414P

## MS PATENT APPLICATION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing is a patent application claiming priority under 35 U.S.C. § 119(e) of Provisional Application No(s). 60/427,741 filed on November 20, 2002.

Inventor(s): SRIDHAR, Balakrishnan; BAO, Jun

For: METHOD AND APPARATUS FOR OPTICAL AMPLIFYING DEVICE GAIN CONTROL WITH GAIN THRESHOLD

Enclosed are:

- ☒ A specification consisting of Twenty-nine (29) pages
- ☒ Seven (7) sheet(s) of formal drawings
- ☒ An assignment of the invention
- ☒ Applicant does not claim priority
- ☐ Applicant claims the right of priority under 35 U.S.C. § 119 based on Application No(s). filed in on .
  - ☐ Certified copy(ies) is(are) attached hereto.
  - ☐ Certified copy(ies) will follow.
- ☒ Executed Declaration (☐ Original ☒ Photocopy)

- ☐ Applicant claims small entity status under 37 C.F.R. § 1.27.
- ☐ Preliminary Amendment
- ☐ Application Data Sheet in accordance with 37 C.F.R. § 1.76
- ☐ Information Disclosure Statement, PTO-1449 and reference(s)
- ☐ Applicant requests early publication - \$300.00 publication fee
- ☒ Non-publication Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i)
- ☐ Other:
- ☒ Provisional application filed in English:  
☒ YES      ☐ NO

If "NO," an English translation with a Statement of Accuracy:  
☐ is attached hereto    ☐ will follow.

The filing fee has been calculated as shown below:

			LARGE ENTITY	SMALL ENTITY
BASIC FEE			\$770.00	\$385.00
	NUMBER FILED	NUMBER EXTRA	RATE      FEE	RATE      FEE
TOTAL CLAIMS	31- 20 =	7	X 18 = \$198.00	x 9 = \$0.00
INDEPENDENT CLAIMS	3- 3 =	0	x 86 = \$0.00	x 43 = \$0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+ \$290.00	+ \$145.00
TOTAL			\$968.00	\$0.00

- ☒ A check in the amount of \$1008.00 to cover the filing fee and recording fee (if applicable) is enclosed.
- ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this transmittal form is enclosed.


☒ Please send correspondence to:

BIRCH, STEWART, KOLASCH & BIRCH, LLP or Customer No. 02292  
P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Michael R. Cammarata, #39,491

MRC/cgc  
4450-0414P

P.O. Box 747  
Falls Church, VA 22040-0747  
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Attachment(s)

(Rev. 10/27/03)

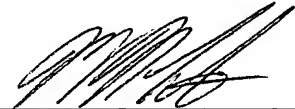
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Michael R. Cammarata, #39,491

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Attachment(s)

(Rev. 10/27/03)

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: SRIDHAR, Balakrishnan et al. Conf.:  
Appl. No.: New Group:  
Filed: November 20, 2003 Examiner:  
For: METHOD AND APPARATUS FOR OPTICAL  
AMPLIFYING DEVICE GAIN CONTROL WITH  
GAIN THRESHOLD

REQUEST AND CERTIFICATION  
UNDER 35 U.S.C. § 122(b)(2)(B)(i)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

November 20, 2003

Sir:

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

This request must be signed in compliance with 37 C.F.R. § 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled

for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Michael R. Cammarata, #39,491

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